

JAMES R. GREINER, ESQ.
CALIFORNIA STATE BAR NUMBER 123357
LAW OFFICES OF JAMES R. GREINER
555 UNIVERSITY AVENUE, SUITE 290
SACRAMENTO, CALIFORNIA 95825
TELEPHONE: (916) 649-2006
FAX: (916) 920-7951

ATTORNEY FOR DEFENDANT
JAVIER JIMENEZ GOMEZ

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	CR.NO.S-03-082-EJG
PLAINTIFF,)	STIPULATION AND
v.)	ORDER TO CONTINUE STATUS
JAVIER JIMENEZ GOMEZ, et al.,)	CONFERENCE TO
DEFENDANTS.)	SEPTEMBER 7, 2007

Plaintiff, the United States of America, by its counsel, Assistant United States Attorney, Ms. Mary Grad, and defendant, JAIVER JIMENEZ GOMEZ, represented by Mr. James R. Greiner, hereby stipulate and agree that the status conference calendared for Friday, August 24, 2007, at 10:00 a.m., before the Honorable Senior District Court Judge, Edward J. Garcia, shall be continued to Friday, September 7, 2007, at 10:00 a.m..

Colleen Lydon, the Court's deputy clerk, was contacted by counsel to check the proposed date and the date of Friday, September 7, 2007, was open and available for the Court for a further status hearing date. No trial date has been set. The defendant is in custody.

SPEEDY TRIAL ACT-EXCLUSION OF TIME

The parties agree and stipulate the Court can find an exclusion of time from the Speedy Trial Act, Title 18 U.S.C section 3161, et seq., based on the needs of counsel to prepare pursuant to Title 18 U.S.C. section 3161(h)(8)(B)(iv) and Local Code T-4; the parties stipulate and agree that the interests of justice served by granting this continuance outweigh the best interests of the public and the defendants in a speedy trial, Title 18 U.S.C. § 3161(h)(8)(A); the parties agree and stipulate that the case, based upon the amount of discovery including but not limited to the wire taps and volume of tape recordings, is complex within the meaning of Title 18 U.S.C. section 3161(h)(8)(B)(ii), for the following factual reasons:

1-The government has provided to defense counsel over 700 pages of hard discovery and 2 CD discs which are the wire tap interceptions which from the brief over view by defense counsel has easily over 1,000 telephone conversations on each of the CD's and each telephone conversation recording is of varying time durations. The hard copy discovery needs to be reviewed and reviewed with the client and each of the CD's that appears to have easily over 1,000 telephone calls on each CD needs to be reviewed and reviewed with the client.

The review of this massive amount of documentation is continuing and the additional time is needed to continue to review this material and to review this material with the client. In addition, the additional time is needed by the defense to get a general broad handle on the potential issues in this case so that a plan of investigation can be reasonably formulated. The review of this material is on-going and time consuming. It is taking counsel longer than first anticipated to review all of the thousands of telephone calls on the CD. Defense counsel is working diligently in the reviewing of this material. The defendant is in custody in the Sacramento County Jail.

ORDER

FOR GOOD CAUSE SHOWN, IT IS SO ORDERED.

DATED: August 23, 2007.

/s/ Edward J. Garcia
EDWARD J. GARCIA

**UNITED STATES SENIOR
DISTRICT COURT JUDGE**